

**REMARKS**

The Examiner is respectfully requested to acknowledge the claim for foreign priority that was filed on October 26, 1999. The Examiner is respectfully requested to acknowledge the Information Disclosure Statement that was filed on February 3, 2000. The Examiner is respectfully requested to acknowledge the Preliminary Amendment that was filed on June 19, 2000, adding claims 29-31.

This is in response to the Office Action that was mailed on November 22, 2000. In response to the requirement for restriction, Applicants elect the invention of Group I, with traverse. In order to expedite prosecution herein, Applicants have cancelled claims 10, 14, and 18-25. All of the claims remaining in this application may be considered to relate to two of the seven Groups between which the Examiner has required restriction, Groups I and VII. (While claims 7-14 and 18 were originally in Groups II and III, in their present form they belong in Group VII.)

Group I encodes a secretory sequence. This particular secretory sequence enables the secretion of different proteins in an array of hosts.

Group VII encodes the secretory sequence and a desired protein. Thus Group VII merely reflects the use of the Group I secretory sequence to express a desired protein. The inventions of Group VII are capable of use together with Group I, having the same modes of operation and functions as Group I.

Although Group I and Group VII are drawn to different isolated nucleic acids with different structures, the difference merely reflects the mode of operation of Group I. Group I claims the secretory sequence that can be used to express proteins from cells. Group VII claims the use of the sequence of Group I. Inasmuch as the utility of a chemical compound invention is a necessary and integral part of that invention, the Examiner is respectfully requested to withdraw the requirement for restriction between Groups I and VII.

Enclosed herewith in full compliance to 37 C.F.R. §§1.821-1.825 is a Substitute Sequence Listing to be inserted into the specification as indicated


above. The Substitute Sequence Listing in no way introduces new matter into the specification. Also submitted herewith in full compliance to 37 C.F.R. §§1.821-1.825 is a disk copy of the Substitute Sequence Listing. The disk copy of the Sequence Listing, file "1781-0178P.ST25", is identical to the paper copy, except that it lacks formatting.

Favorable action on the merits of all of the claims remaining in the application is respectfully requested. If there be minor matters precluding allowance of the application which may be resolved by a telephone discussion, the Examiner is respectfully requested to contact Mr. Richard Gallagher, (Reg. No. 28,781) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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GMM/DRN/RG/clb

Encl.: Diskette copy of Sequence Listing  
Paper copy of Sequence Listing  
Copy of Notice to Comply